

MINUTES OF THE PUBLIC HEARING HELD BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RIVERVIEW, ST. LOUIS COUNTY, MISSOURI, HELD ON MAY 26, 2011.

BE IT REMEMBERED THAT the Board of Trustees of the Village of Riverview, St. Louis County, Missouri, met at City Hall, 9699 Lilac Drive at 6:00 p.m. on May 26, 2011.

At the time and place, upon roll being called, there were found to be present the following named officers and members of the Board.

Trustee Howard Pierce	Present
Trustee Craig W. Boehmer	Present
Trustee Phyllis Paro	Present
Trustee Bruce Stocker	Present
Chairman Steve Paro	Present

Village Clerk Megan Asikainen and Village Attorney Christopher B. Graville were also present.

There being a quorum present, the meeting was called to order by Chairman Steve Paro in order to discuss a liquor license application received changing ownership of the North County Grocery and Liquor store located at 9948 Diamond Drive, applicant S H, Inc, Narinder Kaur, registered agent. Ms. Kaur and her legal counsel, Attorney Andrea Weiss were present on behalf of North County Grocery and Liquor.

Attorney Graville opened the meeting by asking that the meeting minutes from the last meeting, March 24, 2011 with the applicant, and the file be made a part of the record of this hearing. He then reminded the Board that the original meeting was continued in order to allow North County Grocery and Liquor to provide additional information regarding the disposition of an employee's charge of selling alcohol to a minor, the verification of the applicant's citizenship or immigration status, and additional information regarding the purchase of the business from the prior owner and the lease provided by the applicant showing a starting date of January 17, 2011. Attorney Graville said that there was originally a hearing scheduled for April 28, 2011, which was continued at the request of the applicant's attorney.

Ms. Weiss introduced herself as an attorney representing Ms. Kaur regarding her liquor license application for North County Grocery and Liquor. She provided the Board with some documents showing citizenship, a letter from one of the neighboring churches, and the notarized liquor license application. She said that her understanding was that the prior owner sold the business to her client and misled her client into believing that the liquor license was part of the purchase price. She said that her client believed that she was purchasing the right to sell alcohol under the prior owner's license until she was able to obtain her own. Attorney Graville said that when he agreed to continue the case for the applicant's attorney, the understanding was that there would be no sale of alcohol from that point on. He asked the Village Clerk to clarify when this occurred. Ms. Asikainen responded that it was in April. Ms. Weiss stated that, upon her conversation with Attorney Graville, she advised her client to cease selling alcohol.

Attorney Graville stated that one of the Board's concerns was that the client had produced a lease showing that they began occupying the building on January 17, 2011.

He said that at the first meeting with the applicant, the applicant and her husband told the Board that they were selling under the previous owner's license and that all profits from those sales were going to the previous owner. He reminded the Board that they had previously dealt with the same type of situation when the prior owner tried to sell the business several years ago.

Trustee Pierce asked if there was a current liquor license issued to the business. Attorney Graville responded that there was not. Trustee Paro asked if they were required to remove the alcohol from the premises or just stop selling it. Ms. Kaur responded that she put several signs on the doors stating that they were not selling alcohol, but that they did not remove the alcohol.

Attorney Graville asked Ms. Weiss to address the issue of the criminal charge for selling alcohol to a minor that was issued to the applicant's husband. Ms. Weiss provided the Board with paperwork showing that he pled guilty to the charge. She explained that Ms. Kaur and her husband failed to address this matter with the Board at the prior meeting because they felt that it was not pertinent to the liquor license application at hand. She said that the sale occurred in Jefferson County and that he thought that he was selling a regular beverage and not an alcoholic one. Attorney Graville explained that this was relevant to the Board because during the initial meeting Ms. Kaur stated that her husband would be the primary employee at this store.

Attorney Graville asked Ms. Weiss if Ms. Kaur and her husband operated other stores in the area. Ms. Kaur stated that she has owned a store in Fenton for 5 years with no liquor violations. She said that they purchased this store to help put their two children through college. She said that they have a lot to lose. Ms. Weiss asked Ms. Kaur if there were any other employees that were going to work at this location besides her husband. Ms. Kaur responded that her 20 year-old son would also be working at the store in the summertime.

Attorney Graville said that the Riverview Police Department had recently completed an undercover buy in which a minor purchased alcohol and tobacco products from the employee working at the store. He said that the investigation was in response to several complaints regarding the store selling to minors. He said that the individual employee was charged with both selling alcohol and tobacco to a minor. Ms. Weiss responded that the individual was immediately fired. Attorney Graville asked Ms. Weiss to explain the employee-employer relationship to the Board, specifically whether it was a relative or just an employee. Ms. Kaur said that it was not a relative and confirmed that he was fired the following day. Attorney Graville asked if he was employed at the other store in Fenton. Ms. Kaur stated that he was not. Ms. Weiss said that she had no way of knowing what the disposition of the case was as the individual was fired. Attorney Graville responded that the case was pending. He asked Ms. Asikainen if she had additional information on the case. Ms. Asikainen responded that the recommendation was sent to the individual's attorney and that the return court date was in August. Attorney Graville said that he was also the Village prosecutor and that he was still trying to decide if there would be further charges issued to the business owner from this incident. Trustee Stocker asked, in the cases of violations such as these, if both the individual selling the liquor and tobacco illegally and the business owner were both responsible. Attorney Graville replied that both were responsible. He said that he also believed that the violation had been reported to the state. Ms. Asikainen confirmed that it was. Trustee Stocker stated that he was concerned that if the Board issued the liquor

license, the underage sales would continue. Attorney Graville addressed this saying that the Board could apply moral considerations when considering the issuance of the liquor license.

Trustee Stocker expressed concerns with the number of kids loitering at the store. He said that, in the period in which the liquor sales were restricted, the loitering at the store seemed to decrease. He said that he was concerned that if the liquor license was issued, the loitering would resume.

Trustee Paro asked if there was a separate license required to sell tobacco. Ms. Asikainen said that the two were tied together in the Village's Ordinance. Trustee Paro asked if the applicant could still sell tobacco if there was no liquor license issued. Attorney Graville said that the right to sell alcohol and tobacco are issued jointly.

Attorney Graville read from the Code book the grounds for suspension of the liquor license. He asked if the state had issued their license yet. Ms. Asikainen said that the state requires the applicant to show their local license before they will issue the state license. She said that she requires applicants to show that they have made some contact with the state to make sure that the DBA and business name are consistent. He said that the issue before the Board is whether or not to issue the liquor license, based on the information they had been presented with. He said that the applicant has indicated that her husband, who pled guilty to selling alcohol to a minor, was going to be the primary employee at the store. He said that there was also a recent incident, even before the liquor license was properly issued to the applicant, where an employee was caught selling alcohol and tobacco to a minor. He reminded the Board that if they chose to issue a liquor license, the grounds for revocation do not include less serious complaints like loitering on the property.

Trustee Paro asked Attorney Graville to clarify that the previous owner had been issued a liquor license and that when the business was sold to the applicant, the applicant continued to sell illegally under the previous liquor license, even selling alcohol and tobacco to minors. Attorney Graville responded that this was the case. Trustee Paro asked if they had been selling under their own license if selling liquor or tobacco to a minor would be grounds for revocation of the license. Attorney Graville responded in the affirmative. He clarified that this only applied to the Village's liquor license. He said that he was unsure whether or not the misdemeanor charge would affect the state liquor license. Trustee Stocker asked if the state license could be revoked if the Village license was revoked. Attorney Graville replied that it would.

Ms. Weiss stated that she had spoken with her client and was unsure if the business would be able to continue without the liquor sales. She said that the applicant would then have to sell the business and then the Village would just have another applicant in front of them requesting a liquor license.

Attorney Graville reminded the Board of the various issues with the license that they could consider when determining whether or not to grant the liquor license. He read the Board the section of the Code that dealt with the grounds for the immediate revocation of the license for serious violations. He reminded the Board that any other violation would have to be heard by the Board in a public hearing before they would be able to revoke the license.

A motion was made by Trustee Craig Boehmer and seconded by Trustee Bruce Stocker to grant the liquor license to S H, Inc, Narinder Kaur, agent, d.b.a. North County Grocery and Liquor, 9948 Diamond Drive. By roll call vote:

Trustee Howard Pierce	Aye
Trustee Craig Boehmer	Aye
Trustee Phyllis Paro	Nay
Trustee Bruce Stocker	Aye
Chairman Steve Paro	Aye

A majority of the Trustees voted in the affirmative, the motion carried.

With no further business to discuss, a motion was made by Trustee Howard Pierce and seconded by Trustee Craig Boehmer to adjourn the meeting. All Trustees voted in the affirmative, the motion carried. The meeting was adjourned at 6:40 p.m.

Respectfully Submitted,

Steve Paro, Chairman

ATTEST:

Megan Asikainen, Village Clerk